

Amended Complaint

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2018 SEP 18 A 11: 28

Case # 2:18-cv-11871-ES-JAD

American with Disabilities Act Title III Complaint – Public Accommodations To End Respiratory Discrimination in America

Leonard F. Reid

Vs

Extended Stay America Corporation, Inc.

for

\$ 45,000,000.00

For using their name as a misleading, unethical and dangerous promotional tool, by touting their organization as a safe haven for the public to stay for an extended period of time safely.

While offering rooms for public use, that contain an inordinate amount of dirt embedded in the carpet upon check-in. Purposely or otherwise; extending the opportunity for sickness to spread or a sudden attack to happen to an unsuspecting client.

1) Respiratory Discrimination –

Extended Stay America for not adhering to the reasonable accommodation clause of American with Disabilities Act.

Every merchant offering health related consumer products in our society; is required to display health or warning labels - except hotels.

I Leonard F. Reid make the charge that Extended Stay America, Inc. has **severely jeopardized my health** and violated my civil rights by not willing to accommodate my respiratory disability and high blood pressure malady.

- (1) **False advertisement** - For not posting any health or testing information about the cleanliness of their “smoke – free” room. Or providing assurance that the carpet does not contain any tar, nicotine or elements associated with recent pets and / or tobacco use.
- (2) For not disclosing the fact that the **room** carpets may harbor an ounce or more of dangerous allergens and/or environmental triggers.
- (3) By refusing to display this critical information; Extended Stay America, Inc. is **guilty of violating the rights of the general public**. Robbing them of the ability to make informed health decisions.
- (4) I was embarrassingly and unceremoniously Issued a Cease and Desist from the merchant; only because I submitted a report to upper management. Informing them that I used a standard, non-industrial, over the counter vacuum to achieve these results. **And offered only free solutions and suggestions** to better assist the merchant to better serve the disabled.
- (5) I feel a genuine Righteous indignation against the Merchant; because they seem to show complete lack of concern for one third of its customer base suffering from a respiratory short coming.

2) **Unsanitary room conditions –**

45 grams of undisclosed allergens embedded in carpet upon check – in.

28 grams = ounce

March 17 2018 – check in

25 grams = 0.88 ounces of extracted allergens

- Report submitted to upper management

Service disabled Room is not fully carpeted and rarely used.

June 29 2018 – check in

20 grams = 0.71 ounces of extracted allergens *

- **Disabled Wheelchair accessible room**

(physical evidence available)

3) Currently there have been zero accommodations being made for the 1 in 3 Americans suffering from a respiratory disability.

We petition the Court to make a Federal mandate that all hotels within a year be required to disclose cleaning information and / or allergen levels to public.

Publicly posted in rooms the service respiratory handicaps and young children.

The most prevalent disability in our society is respiratory health.

I firmly believe it is the merchant's responsibility to set and adhere to a Respiratory centric quality inspection health standard.

Performed internally or otherwise.

Simple Truth:

A cleaner environment is a healthier environment – for all.

I would like an opportunity to physical show a jury what an ounce of allergens (displayed in plastic bag and certified scale) that were extracted from merchant's establishment - actually looks like.

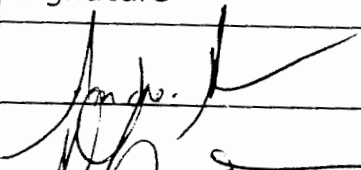

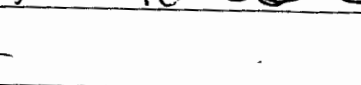
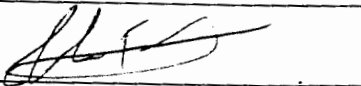
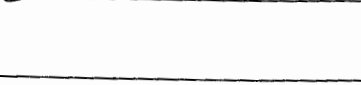


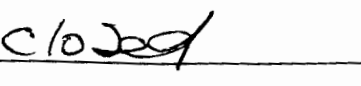
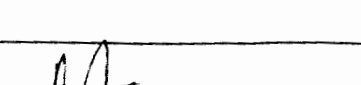
Reid vs. Extended Stay America

2018 Petition to end Respiratory Discrimination

New Jersey Child Care Providers that support health legislation that will safeguard the respiratory safety of our children while traveling.

We petition the Court to make a Federal mandate that hotel disclose cleaning information and / or allergen levels to public.

Publicly posted in rooms the service respiratory handicaps and young children.

Name (printed)	Address (printed)	Signature
Story Hall Day Care	158 Chestnut St 07105 (973)3446772	
Sunshine Day Care	286 s 7 th street 07103 (973)6238400	
Imagine Early Learning Center	970 Broad street 07102 (973)6453130	
Sunshine Daycare Center	14 William street 07102 (973)6233600	
Alice's Friendly Day Care	14 Napoleon St 07105 (973)8178469	
Canaa Day Care Center	205 Thomas Street 07114 (973)344-6775	
Child Care Center A	176 Lyons ave 07112 (973)9263999	
Mickey's Happy Hands Day Care	90 w peddie st 07112 (973)7320777	
Bobbie's babies	744 Broad street 07102 (973)2530102	C/O Jod
CCLC at Newark	132/142 Cabinet st	

FLELCA

S 9th ST



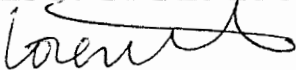
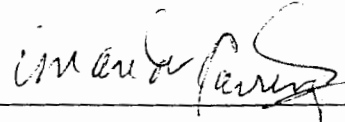
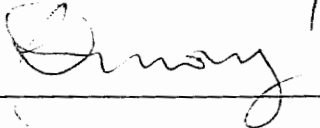


Reid vs. Extended Stay America

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Name (printed)	Address (printed)	Signature
Alpha Day Care Center	105 Main street (973) 395 4811	
Building and Strengthen families	439 Main street (973) 677 7727	
Christian Family Day Care Center	17 N. Essex Ave. (973) 673 9200	
Laisey Academy Day Care	133 Lincoln Ave (973) 454 6160	
Norjenes Day care IV	325-339 mechanic street (973) 677 4299	

Page Academy	530 Central Ave 07107 (973)6225333	<i>[Signature]</i>
Mighty Oaks Learning Center	96 s 6 th street 07107 (973)2426251	<i>[Signature]</i>
Sarah Ward Day Nursery	406 Sanford Ave 07106 (973)3715311	<i>[Signature]</i>
Broadway Head Start	724 Broadway 07104 (973)4854906	
Kiddie Korner Learning Center	740 south 18 th street 07103 (973)2944635	<i>[Signature]</i>
Four N's Day Care Center	1132 s Orange Ave 07106 (973)3753399	<i>Closed</i>
Rising Sun Academy	535 MLK jr. Blvd 07102 (973)2860026	
Wisommm Holistic Child care	15 James St 07102 (973)2970300	
Rutgers Newark Child Care Center	123 Washington Street 07102 (973)3535968	
Office of Early Childhood	2 Cedar Street 07102 (973)7336234	
UVSO Infant and toddler Center	1044 s Orange Ave 07106 (973)3742000	<i>[Signature]</i>
ST. ANN Comm DAY CARE CENTER	110 16 th ST NEWARK, NJ	<i>[Signature]</i>
SUN SET CHRISTIAN Academy	8910 S. ORANGE NEWARK, NJ	
Rutgers Community Health Center	449 Broad Street Newark NJ	<i>[Signature]</i>
	405 UNIVERSITY	

Lil Professors Academy	56 oakwood Ave (862) 520 4834	DOT OF BUSINESS <i>none</i>
Montclair Child Development center	261 William Street (973) 674 0166	Mickey Dabesh Facilities Mgr.
Tiny Tots Haven Day Care center	270 Reynolds Terrance (973) 678 3233	
Norjenes Day Care Center	365 - 373 Lincoln Ave. (973) 675 0213	
Stars of Hope	695 Scotland Road (201) 532 2026	Lynnda Lemoine
YWCA After school program at Cleveland street	355 Cleveland Street (973) 672 9500	
YWCA - Heywood	421 Heywood Ave (973) 677 4105	
YWCA - Lincoln	518 Valley Street (973) 677 4130	
Orange Early Childhood center	397 Park Ave (973) 677 4000	
Blessed Hope Daycare		<i>Lynda</i>

CITIZENS

Name (PRINTED)	Address	SIGNATURE
ARC OF Essex	46-55 Oakwood Ave. Orangenj.	D. Aug
Piero Dalce	701 Scotland St. Orange NJ FL	Piero Dalce
Isaiah Lee	20 Thomas St. Bloomfield, NJ	Isaiah Lee

Name (printed)	Address (printed)	Signature
Susan Green	37 no Day st.	Susan Green
Fernando R. V.	261 William st	Fernando R. V.
Arthur Pierre	265 Willicast	Arthur Pierre
Miss G. W.	W. H. R. N. S.	Miss G. W.
Terri A. Jackson	198 Park Avenue Orange, NJ 07050	Terri A. Jackson

DayCare Center Inc	222 Verona Ave 07104 (973)4825080	
St Paul's Daycare	741 Mt Prospect Ave 07104 (973)4850110	
Our Small World Daycare	665 Summer Ave 07104 (973)4970660	
Tri-City Day Care Center	675 s. 19th street 07103 (973)3745252	<i>closed</i>
Sarah Ward Nursery Day Care	105 Lock Street 07103 (973)6450442	
Precious Feet Christian Daycare	189 Stuyvesant Ave 07106 (862)2379358	
Rosa's Day Care Center	393 Roseville Ave 07107 (973)4840444	
Gospel Christian Academy Day Care	688 Springfield Ave 07103 (973)3995099	<i>[Signature]</i>
It's my Place Day Care Center	238 Berkeley Ave 07107 (973)4858585	
New Hope Development Day Care	49 12 th Ave # 4903 07103	
Community Hills Early Learning	85 Irvine Turner Blvd 07103 (973)6210852	<i>Alysa nadroed</i>
Stages and Ages Childcare	125 Avon Ave 07108 (973)7325192	<i>K. Charles</i>
Emmanuel Lee Garden Daycare	54 Irvine Turner Blvd 07103 (973)2421722	
Little Angels Daycare	827 Clinton Ave 07108 (973)3685066	<i>S. P. K. files</i>
Buds Hope Academy Daycare Center	372 s Orange Ave 07103 (973)4240500	<i>closed</i>
Brighter Tomorrow's Children's	578 Market Street 07105 (973)3441021	
United Neighbor Development Day Care	491 Orange Street 07107 (973)3500221	
Parkside Pre-school II	354 Park Ave 07107 (973)4840808	
Kiddie Korner Learning Center	319 Verona Ave 07104 (973)4845166	

The LEAGUES

200 S. Orange Ave

[Signature]

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
ATTORNEYS AT LAW

1300 MOUNT KEMBLE AVENUE
P.O. BOX 2075
MORRISTOWN, NEW JERSEY 07962-2075
(973) 993-8100
FACSIMILE (973) 425-0161

TIMOTHY E. BURKE
Direct dial: (973) 425-4164
tburke@mdmc-law.com

August 20, 2018

Via E-Mail, Certified Mail and Regular U.S. Mail

Mr. Leonard F. Reid
672 South 16th Street
Newark, NJ 07103

Via E-Mail, Certified Mail and Regular U.S. Mail

Charlemagne Tech Solutions, d/b/a/ Asthma Blasters, LLC
672 South 16th Street
Newark, NJ 07103

RE: *Reid v. Extended Stay America, Inc., et al.*
United States District Court for the District of New Jersey
Case No. 2:18-cv-11871-ES-JAD

Dear Mr. Reid:

This firm represents ESA Management, LLC, which operates the Extended Stay America hotel in Secaucus, New Jersey.

It has come to our attention that you have approached members of the staff of at least one Extended Stay America hotel in New Jersey, promoting the services of your company, Asthma Blasters, LLC. We understand that, as part of that effort, you represented to the staff of the Extended Stay America hotel in Secaucus that the Town of Secaucus requires all hotels to make certain accommodations for guests with “respiratory disabilities,” which include designating three rooms as “Respiratory Accessible.” We understand that you represented to the staff that the Town of Secaucus will inspect the hotel monthly to ensure compliance with these purported regulations, and you implied that Asthma Blasters, LLC is a “designee” of the Town of Secaucus, authorized to perform those inspections and submit reports to City health officials and others. We understand that you represented to the staff that a failure to comply with these requirements could subject the hotel to “fines and/or penalties.”

MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Mr. Leonard F. Reid

August 20, 2018

Page 2

Attached hereto is a copy of an exhibit to the Complaint you filed in United States District Court, a document that contains representations that are consistent with the representations you made to the hotel staff in Secaucus. The document states, for example, "Each hotel doing business in the City of Secaucus designate 3 units as Respiratory Accessible Accommodations" and "Units to be inspected monthly by the City or its designee (Asthma Blasters)." Also included as exhibits to the Complaint you filed are similar documents stating that hotels operating in Newark, Wayne and Parsippany, New Jersey are subject to the same type of regulations.

The representations you made to the staff of the Extended Stay Hotel in Secaucus regarding the nature of the municipal requirements imposed on hotels operating in Secaucus are inaccurate. Secaucus Ordinance No. 2017-18, §80A-1, *et seq.* governs licensing for hotels, motels, rooming houses and boarding houses being operated within the Town of Secaucus. Section 80A-5 provides for the inspection of any hotel that applies for an initial or renewal license, in order to ensure compliance with all applicable health, fire and construction code ordinances, regulations and statutes. Section 80A-10 requires the Police Department, Fire Department and Construction Official to inspect the premises "from time to time ... to determine that he provisions of [the] chapter are being followed." Nothing in the Town Ordinances requires hotels to provide the types of accommodations you describe, nor does the licensing Ordinance provide for the designation of private companies like Asthma Blasters to conduct inspections on behalf of the Town.

It is evident that your representations to the Secaucus hotel staff were designed to convince the staff that you were operating under color of law and that you were authorized to impose fines and penalties on non-compliant establishments. We believe that the intent of those communications was to convince the hotel to hire Asthma Blasters to perform inspections and provide cleaning operations that you implied were required for compliance with municipal regulations that do not exist.

I am writing to demand that you immediately cease and desist any and all contacts or communications with the personnel of *any* Extended Stay America hotel, including but not limited to, any communications relating to the services of Asthma Blasters, LLC, communications that relate in any way to the legal obligations of any Extended Stay America hotel to provide accommodations to its guests and any other communications that relate in any way to the subject matter of the lawsuit referenced above.

If you should plan to book a stay in any Extended Stay America hotel, please be advised that ESA Management LLC ~~does not~~ permit the unauthorized inspection or

MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

Mr. Leonard F. Reid

August 20, 2018

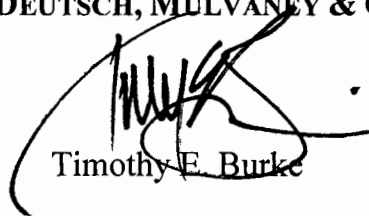
Page 3

testing of the contents or interior environment of any part of the hotel properties it operates. If you, as a party to a lawsuit pending in the United States District Court, wish to arrange for the any inspection, measurement, testing or samplings of any property controlled by ESA, you are required to make the appropriate request, in compliance with the Federal Rules of Civil Procedure.

Please be guided accordingly.

Very truly yours,

MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

A handwritten signature in black ink, appearing to read "Timothy E. Burke", is written over the printed name. The signature is stylized with a large, sweeping initial "T" and "B".

Timothy E. Burke

TEB:ngb

JS 44 (Rev. 06/17)

973 474 7930
CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LEONARD F. Reid

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Extended STAY

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box, and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTE	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSHD Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Action <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

AMERICAN WITH DISABILITIES ACT Public Accommodations
Respiratory Discrimination / UNSANITARY

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY